BUILDING PERMIT REQUIREMENTS

Before the construction, alteration, relocation, repair or replacement of any building or part thereof, or the placing of any mobile home or other form of pre-constructed building, the owner or lessee, or architect, or contractor or builder, or dealer, etc., employed by such owner or lessee shall obtain from the Code Enforcement Officer or his/her deputy a permit covering such proposed work. However, no fee shall be required for repairs or improvements when the reasonable cost is less than $2,500.00.

The building permit requirements are not intended to encompass all local ordinance requirements. Other ordinances may require additional permitting and/or contain more restrictive requirements. Please consult with the CEO on your specific project.

Issuance of a building permit does not release the applicant from complying with any additional requirements contained in State and/or Federal Rules and Regulations.

A. APPLICATION: The application for the permit shall be in writing and be such form and copies as the Code Enforcement Officer or his/her deputy shall prescribe. It will contain a description of the proposed work as well as identify who is to do the work. A sketch, plan, or drawing shall be provided showing the location of the proposed structure on the lot, other structures existing on the lot, lot lines, distances to highway setback lines, and any other details the permitting authority may require. If the application is approved, this sketch, plan, or drawing shall become part of the building permit and shall be signed by the permitting authority identifying it to the building permit.

B. PERMIT APPROVAL: The Code Enforcement Officer or his/her deputy, after application review, will either issue the requested permit or notify within 10 days the reasons for non-issuance. Notice of refusal shall be in writing. The Code Enforcement Officer or his/her deputy will issue such permit unless he/she deems the proposed work to be in violation of existing state and local laws or the work will in some manner constitute a health and safety hazard.

C. LIFE OF PERMIT: All building permits will be void unless work is commenced within one year of date of issue.

D. DISPLAY OF PERMIT: Every building permit shall be displayed conspicuously on the premises to which issued, clearly visible from the principle traveled street or way and shall remain until the work is completed.

E. Fee: The building permit shall be accompanied by a fee as established and revised from time to time, by the Board of Selectmen and listed in the Town Fee schedule.

F. VIOLATION: Without a permit, any building constructed or work performed or mobile home or other reconstructed structure installed shall be classed as a nuisance.

G. PENALTY: Any person or firm found guilty of violating any of the provisions of this act shall be subject to a fine of not more than $100.00 for each offense. Each day in which a violation is proved to exist shall constitute a separate offense.

H. MINIMUM LOT SIZE AND FRONTAGE REQUIREMENT:

1. 40,000 square feet for lots of record after March 15, 1974. If the lot abuts a lake, pond, stream, or river, it shall have a minimum frontage of 100 feet on the water body.

2. 20,000 square feet for lots of record between January 1, 1970 and March 15, 1974. If the lot abuts a lake, pond, stream, or river, it shall have a minimum frontage of 100 feet on the water body.

3. Single family lots of record: The minimum lot size requirements above do not apply to any single family residential lot which prior to January 1, 1970, was specifically described as an identifiable and separate lot either in the instrument conveying such lot to the then owner or in a valid and enforceable agreement for purchase and sale or was shown on a plan recorded in accordance with law, prior to January 1, 1970; provided that contiguous undeveloped lots in the same ownership on or after October 3, 1973 shall be considered as one lot for purposes hereof.

4. Other lots of record: Undeveloped lots where the use will be other than single-family residential are not exempt from the minimum lot size requirements.

5. Existing structures: The minimum lot size does not apply to any structure in existence and in place on or before October 3, 1973, which then or theretofore disposed of wastes by means of subsurface waste water disposal; except
that no person shall reduce the size of the lot upon which such structure is located to a size or frontage less than that allowed in H.6 below.

6. For both 1 and 2 above, land uses that generate wastewater shall require a lot containing at least 20,000 square feet and 100 feet of frontage (if applicable) for every 300 gallons per day of wastewater generated by the use. For wastewater generated in excess of 300 gallons per day the lot shall be in the proportion of 20,000 square feet and 100 feet of frontage for every 300 gallons per day. Refer to Attachment 1 for examples.

a. A single-family residential unit shall be determined to be 300 gallons per day of wastewater.
b. A duplex shall be considered two single-family residential units.
c. Multiple unit housing: Calculate the daily wastewater flow based on 120 gallons per bedroom per day.
d. Other new land uses: Calculate the daily waste water flow based on the design flow requirements in Table 1 of the Minimum Lot Size Rules, 144A CMR 243.
e. Other existing land uses: Calculate the daily wastewater flow based on the design flow requirements prescribed in Table 1 or actual water meter readings as set forth in Section 1002.0 of the Minimum Lot Size Rules, 144A CMR 243.

7. Approval by local plumbing inspector: A lot of less than the size required in 1 or 2 above may be used for subsurface waste disposal if approved in writing by the plumbing inspector as long as:

a. The applicant has submitted a current application for subsurface wastewater disposal, or the equivalent, pursuant to rules adopted by the Department of Health and Human Services; and
b. The subsurface waste disposal meets the criteria for first time subsurface waste disposal systems as adopted by rule by the Department of Health and Human Services without requiring a variance; and
c. The subsurface waste disposal is not an engineered disposal system.

8. A lot that does not meet the criteria for approval by the local plumbing inspector (H.7 above) may be used for subsurface waste disposal if the subsurface waste disposal is in compliance with the rules regarding subsurface waste disposal adopted by the Department of Health and Human Services and is approved in writing by the Department of Health and Human Services.

I. SET BACK: A fifty foot (50’) set back from highway limits is required on all future structures (trailers, mobile homes, modular homes also to be considered structures). Undersized lots of record are subject to the following rules:

1. If a structure is not present, then one is permitted provided that the highway setback is met to the greatest extent practical. In determining the greatest extent practical the CEO shall consider such factors as the size of the lot, the terrain of the lot, the size of the proposed structure, and comparison with other structures in the area to ensure compatibility.

2. If a structure already exists on a lot, expansion into the highway setback limit is not allowed.

3. If any structure or portion thereof is presently within the highway setback limit, it can remain, but cannot be expanded any closer to the highway than already exists.

4. A mobile home or trailer may be replaced with a permanent dwelling, provided that the highway setback limit is met to the greatest extent practical, using the factors described in item 1 above.

J. EXEMPT: Anything added that relates to energy conservation such as insulation, furnaces, solar panels, or anything that does not change the overall structure of the building.

K. Driveways: Prior to installing any driveway with direct access on a Town public way or excavation on a Town public roadway, the applicant is required to secure a Driveway Opening/Excavation Permit from the Code Enforcement Officer. Driveways shall be constructed in such a manner that no damage will be caused to the roadway as a result of water drainage from the driveway. There will be no fee for this Permit; however, the applicant is required to repair the road to its original condition immediately after the work is completed. Driveways installed with direct access to a State road are subject to the State requirements.

L. Minimum Road Frontage: A minimum road frontage of 150 feet shall be required with lots already recorded in the Cumberland County Registry of Deeds prior to June 9, 1998 exempt from this provision.
M. APPEALS:

With the exception of H.3 above, The Department of Health and Human Services is the only approval authority for a variance for undersized lot use for subsurface waste disposal when the state minimum lot size and frontage cannot be met and the requirements for approval by the local plumbing inspector (H.7 above) cannot be met. Appeal of a decision of the Department of Health and Human Services associated with minimum lot size is described in the State of Maine Minimum Lot Size Rules, 144A CMR 243.

Other than lot size criteria, all other appeals shall follow the Appeal Procedure as spelled out in the Town of Harrison Shoreland Zoning Ordinance, Section G, subsection (3), Appeal Procedure. Appeals can either be Administrative Appeals or a Variance Appeal. An Administrative Appeal is an appeal whereby an applicant is requesting the Board of Appeals to determine whether there is an error in any order, requirement, decision, or determination made by, or failure to act by the Code Enforcement Officer or Planning Board in administration of these requirements. A Variance Appeal is an appeal whereby an applicant is requesting relief from dimensional standards contained in these requirements, and are subject to the following rules for granting a variance:

1. Variance from dimensional standards for residential and commercial structures are permitted when strict application of the requirements to the petitioner and the petitioner’s property would cause a practical difficulty and when the following conditions exist:

   a. The need for a variance is due to the unique circumstances of the property and not to the general condition of the neighborhood;

   b. The granting of a variance will not produce an undesirable change in the character of the neighborhood and will not unreasonably detrimentally affect the use or market value of abutting properties;

   c. The practical difficulty is not the result of action taken by the petitioner or a prior owner;

   d. No other feasible alternative to a variance is available to the petitioner;

   e. The granting of a variance will not unreasonably adversely affect the natural environment; and

   f. The property is not located in whole or in part within shoreland areas as described in the Shoreland Zoning Ordinance.

   As used in this subsection, "dimensional standards" means and is limited to provisions relating to lot area, and setback requirements.

   As used in this subsection, "practical difficulty" means that the strict application of the ordinance to the property precludes the ability of the petitioner to pursue a use permitted in the district in which the property is located and results in significant economic injury to the petitioner.

2. Variance recorded. If the board grants a variance under this section, a certificate indicating the name of the current property owner, identifying the property by reference to the last recorded deed in its chain of title and indicating the fact that a variance, including any conditions on the variance, has been granted and the date of the granting, shall be prepared in recordable form. This certificate must be recorded in the local registry of deeds within 90 days of the date of the final written approval of the variance or the variance is void. The variance is not valid until recorded as provided in this subsection. For the purpose of this subsection, the date of the final written approval shall be the date stated on the written approval.
1. Mr. Doe wants to convert an existing property he owns into an apartment building with three apartments. Two apartments will have 1 bedroom each, and one apartment will have 2 bedrooms. He wants to know if the lot size is large enough to seek approval. His lot is a 42,000 square foot lot of record on January 20, 1980. There is no water frontage on the lot.

Solution: Minimum lot size rule require multiple unit housing to be calculated based on 120 gallons per bedroom per day. There will be 4 bedrooms, thus the calculations will be based on $4 \times 120 = 480$ gallons per day. The rule states that for wastewater generated in excess of 300 gpd, the lot shall be in the proportion of 20,000 square feet for every 300 gpd. Using a simple proportion calculation:

\[
\begin{align*}
\frac{300 \text{ gpd}}{20,000 \text{ sq. ft.}} &= \frac{480 \text{ gpd}}{X \text{ sq. ft.}} \\
300X &= (480)(20,000) \\
X &= \frac{(480)(20,000)}{300} \\
X &= \frac{9,600,000}{300} \\
X &= 32,000 \text{ square feet required minimum lot size.}
\end{align*}
\]

Mr. Doe’s lot meets the minimum lot size standard for his intended use.

2. Mrs. Doe wants to operate a beauty salon in her existing single family home located on a 19,000 square foot lot of record on January 20, 1965, with the existing structure being built in 1969. She would like to have two salon chairs in her beauty salon. There is no water frontage on the lot.

Solution: Mrs. Doe has an existing structure on a lot of record prior to October 3, 1973, therefore her existing structure is exempt from the minimum lot size rules as it exists. Once she starts changing her use we must revert to the standard 300 gallon per day for single family use, plus the additional wastewater flows generated as a result of the beauty salon. From Table 1 of Minimum Lot Size Rules, 144A CMR 243, a beauty salon uses 100 gpd per chair. Therefore, her new usage will have 300 gpd for residential use, plus 200 gpd for beauty salon use for a total wastewater flow of 500 gpd. Using a simple proportion calculation:

\[
\begin{align*}
\frac{300 \text{ gpd}}{20,000 \text{ sq. ft.}} &= \frac{500 \text{ gpd}}{X \text{ sq. ft.}} \\
300X &= (500)(20,000) \\
X &= \frac{(500)(20,000)}{300} \\
X &= \frac{10,000,000}{300} \\
X &= 33,333 \text{ square feet required minimum lot size.}
\end{align*}
\]

Mrs. Doe can keep her present structure without change, but does not have the required lot size to add a beauty salon.